

REMARKS/ARGUMENTS

In the last Office Action, claims 55-58 were rejected under 35 U.S.C. 112 for failing to comply with the written description requirement. Claims 46-50, 52-54, 59-65, 67-76 and 78-81 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,661,653, ("Kulik"). Claims 52, 68, and 79 were rejected under 35 U.S.C 103(a) over Kulik. Similarly, claims 10, 25, and 40 were alleged to be unpatentable over Kulik. Claims 48, 62, and 74 were rejected over Kulik in view of Mattioli (6,286,009). Claims 59, 71, 82, and 83 were rejected over Kulik in view of Schwarz (6,462,286). Finally, claims 51, 64, 77 were rejected over Kulik in view of Danford-Klein (6,061,667).

With respect to the previous office action, Applicant notes that claims 1-45 have been cancelled, and thus it appears inappropriate to reject claims 10, 25, and 40 in light of Kulik.

Applicant has amended independent claims 46, 60, and 72 to better state the invention. Applicant submits that the independent claims are now patentable over the Kulik references, and that thus the dependent claims are distinguishable over the combination of Kulik and other prior art references.

The Kulik Reference

The Kulik reference pertains to a mailing system that determines the postage associated with a mail piece. Kulik allows a user to "define a custom template, specifying classes and break point parameters for controlling shifts between classes." (Kulik, col. 4, lines 48-51.)

Basically, a mailing system allocates a postage rate based on various parameters, such as the weight of the mail piece and a class of service. Typically, the mailing system allocates postage based on a standard rate table. Kulik discloses storing the "standard rates table", which is the "published standard rate table" (col. 5, lines 30) provided by the postal service. Kulik discloses how the user can configure the mailing system to allocate postage from different classes based on a custom (user defined) rate table. Kulik provides an example (col. 7) as to

what this means. In summary, Kulik discloses that a **standard rates table** can be modified using a **custom template** to produce a **custom rates table**.

The custom template in Kulik is used to produce a custom rate table by using the standard rates table as input. Kulik presumes that the mailing system knows how to read the standard rate table as there is no disclosure of how the standard rate table is read or provided as input into the system. Specifically, Kulik discloses that the “rates manager 25 contains rate table corresponding to the postage rates for all classes of mail, as published by the postal authority...” (Col. 5, lines 33-35.) Further, Kulik states “if the postal authority changes the rates for any of the classes, the postal authority provides information to update the rate table in the rates manager 25 in the normal manner.” (Col. 10, lines 5-8.) Thus, Kulik presumes the system is able, in some manner, to receive a new rate table and process it. Kulik *does not address how the standard postage rate table is loaded or read by the system. All Kulik states is that “the postal authority provides information to update the rate tables in the rates manager 25 in the normal manner.”* (Col. 10, lines 7-8).

Kulik is directed to a mailing system which determines a postage rate determined from a “standard postage rate table.” (Col. 10, claim 1.) Because there is only one standard postage rate table to interpret, the problem of determining which of several formats to use to read several rate tables does not exist. Kulik indicates that the rate table is “published by the postal authority.” (Col. 5, line 8.)

Second, the “template” disclosed in Kulik is not used to read the standard rate table, but is used to form a custom rate table based on the standard rate table. “The custom rates processor 31 utilizes the template to develop a corresponding custom rates rate table 35 (step S2). More specifically, the custom rates processor 31 interrogates the rates manager 25 to obtain break points and postage values for each selected class and ranges specified in the customer templates. From this template, the custom rates processor develops and stored one of the custom rates rate tables 35 (Step S3).” (Col. 6, lines 30-40.)

The custom rates processor discloses in Kulik uses the “template” to restructure the existing standard rate table. Kulik discloses the custom rates process “interrogates” or obtains

data from the rates manager. In summary, the “template” in Kulick *does not indicate to the system how to read the standard postage table*, but rather, *the template indicates how the standard rate table should be applied to generate a custom rate table*.

Kulik discloses a “mail processor”

The “mail processor” of Kulik is not analogous to the freight rate manager of the present system. First, Kulik is designed for processing mail streams (Abstract). This involves determination of postage for mailpieces of different classes. (Col. 2, lines 61-62.) References to “mail” and “postage” throughout the specification limits the system to processing items by the U.S. postal service. As it is well known in the U.S., there are no competing “mail” services. While other common carriers or shippers are allowed to operate for delivery of packages and freight, they are precluded by the U.S. government from putting themselves out as a “mail” service provider or providing “mail service.” Such common carriers are known as package delivery services, shipping companies, trucking companies, freight forwarders, etc, but they are not known as the “postal service” or the “mail service.”

This is significant with respect to Kulik because a “mail processing system” only has to use a single rate chart – the U.S. postal rates - for determining postage for a mail piece. While the postal rate chart defines different classes and weights and their associated postage, only a single rate sheet.

In contrast, the present invention is directed to determining freight charges for shipping “goods.” (See generally, Specification, page 7.) There are numerous providers of freight carriers. In fact, certain “goods” are precluded from being shipped by the U.S. postal service based on size or weight restrictions, but can be sent by other freight shippers. The number of regional and national package carriers, trucking companies, and freight haulers are numerous. Each of these carriers determines their own rates, and defines a rate sheet reflecting their rates. Further, as expected, the various rate sheets from various carriers can have various structures or formats.

One embodiment of the present invention is a system able to determine shipping costs from various shippers. In order to do so, the present system accommodates rate sheets from a plurality of shipping companies. (See page 33.) In order to accomplish this, “[t]he templates are preferably generated by analyzing typical rate sheets and identifying standard formats. In one embodiment, specialized templates are generated for the rate sheets of major shipping companies.” (Specification, page 37, paragraph 102.) Without the corresponding template, it is not clear how a given rate sheet is to be interpreted.

Because multiple rate sheets from various carriers are involved, this presents the problem of how to interpret the various rate sheets. One embodiment of the present invention is selecting a template for interpreting a rate sheet, which has its own structure. In the Kulik reference, there is only one service provider – the U.S. postal service – which involves only a single rate sheet – e.g., “standard published postage rate information.” (“The rating information supplied by the rates manager 25 and stored in the custom rates rate tables 35 is standard published postage rate information.” Col. 6, lines 45-48.)

Kulik does not disclose how the postal rates are interpreted. Rather, it states that “if the postal authority changes the rates, the postal authority provides information to update the rate table in the rates manager in the normal manner.” (Col. 10, lines 5-8.) Presumably, because there is only one rate sheet, its structure can be ‘hardcoded’ into the system disclosed by Kulik.

In summary, because Kulik does not disclose having to deal with different, incompatible rate sheets from different carriers, Kulik does not disclose how **to identify** different, and incompatible rate sheets so as to be able to **read** the contents of each rate sheet.

Discussion of Claim Amendments

Claim 46 has been amended to better state the invention:

46. (currently amended) A system for determining a ~~freight charge~~ charge associated with a freight shipment, comprising:

a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving and storing a rate sheet associated with ~~a the one of a plurality of freight carrier~~ carriers and structured according to one of the plurality of formats;

a rate sheet analyzer module adapted to interface with a template storage module ~~for~~ storing a plurality of templates, wherein one of the plurality of templates is associated with a specific freight carrier and is structured according to said one of the plurality of formats ~~adapted to interpret the received rate sheet~~, the rate sheet analyzer module selecting the one of the plurality of templates ~~to interpret the rate sheet by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates;~~ and

a rule generation module ~~determining calculating the a~~ determining a freight charge associated with the freight carrier using the one of the plurality of templates ~~selected one of the plurality of templates and the received rate sheet.~~

1) Amendments to Overcome the 112 Rejection

Applicant has amended claim 46 to apply to “A system for ~~determining a freight charge~~ providing a charge associated with a freight shipment”. As such, the independent claim and associated dependent claims are not limited to a system comprising a freight rate module (corresponding to icon 610 in Fig. 6). Thus, the scope of the claim is broadened to apply to a system that can provide a charge associated with freight shipment wherein the charge potentially

relates not only to freight rates, but tariffs and duties. Applicant respectfully submits that this traverses the 112 rejections with respect to dependent claims 55-58.

2) Claim 46 has been amended the limitation pertaining to the rate sheet input module.

Claim 46 has also been amended to reference “published” rate sheets (see paragraph 58 for support). This would correspond to the “published standard rate tables” in Kulik (col. 5, lines 30).

Further, claim 46 recites “a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving and storing a rate sheet associated with ~~a~~ the one of a plurality of freight carrier carriers and structured according to one of the plurality of formats.”

The previous office action analogized the rate sheet input module with the rate sheet input module (25) of Kulik. However, Kulik does not disclose the above limitations where “each rate sheet is associated with one of a plurality of freight carriers. Because Kulik assigns only postage, there would be only a single carrier (the governmental postal carrier). There would not be a plurality of rate sheets “associated with one of a plurality of freight carriers.”

3) Claim 46 recites matching the freight carrier of the rate sheet and template

Claim 46 associates recites “matching the freight carrier associated with the rate sheet with the freight carrier associated with the one of the plurality of templates”. This reflects the capability of the present invention to receive published rate sheets from various freight carriers, and use the templates associated with the freight carrier so as to read the rate sheet. Because each freight carrier uses a different structure, it would not be possible to read a rate sheet without knowing the appropriate structure to use.

Because Kulik only has to read rate sheets from one source (e.g., the Postal Service), the problem of knowing which of a plurality of structure to use to read the rate sheet does not exist. Hence, Kulik does not disclose the limitation of associating a freight carrier to a rate sheet, nor associating a freight carrier to a template. Nor does Kulik disclose matching the freight carrier of each in order to use the template to interpret the rate sheet.

Kulik discloses that “the custom rates processor 31 utilizes the template to develop a corresponding custom rates rate table 35 (Step S2). More specifically, the custom rate processor 31 interrogates the rates manager 25 to obtain break point and postage values for each selected class and range specified in the custom template. From this template, the custom rates processor develops and stores one of the custom rates rate tables 35 (Step S3).” Col. 6, lines 30-40.

Thus, it appears the rates manager in Kulik is able to read the standard postage rates in order to respond to the interrogatory requests. There is no disclosure that the custom template is used, or required, by the rates manager to read the standard rates tables. Further, there is no disclosure that the template, nor the rate table, is associated with one of a plurality of freight carriers.

The Kulik reference presumes a standard postage rate table, with no suggestion of selecting from multiple postage rate tables. Thus, Kulick does not disclose a plurality of rate sheets. Rather, because Kulick processes postage rates, only one rate table is processed. Furthermore, with only one rate table, which intrinsically is structured according to a single format, Kulik does not disclose a plurality of rate tables, nor where the rate tables are “structured according to one of a plurality of formats.” Nor does Kulik disclose a plurality of templates used to interpret a specific rate table, as the templates in Kulik are for deriving custom rate tables.

4) Amendments to Independent Claims 60 and 72

Applicant has amended independent claims 60 and 72 to similar recite associating the template and rate sheet with a freight carrier, and matching the freight carrier of the rate sheet with the freight carrier of the template to select the appropriate template for interpreting the rate

sheet. By the same logic present with respect to claim 46, Kulik does not disclose the related limitations in claim 60 and 72. Thus, independent claims 60 and 72 are patentable over Kulik, and the dependent claims are also patentable over the combinations of Kulik and the other cited references. Applicant submits that with these amendments, the claims are now in a condition for allowance.

CONCLUSION

Because Kulik does not disclose the above limitations, it cannot by itself anticipate the claims, nor does it render obvious the claim limitations when combined with the other references identified in the previous office action. It is respectfully submitted that the present claims are patentable over the cited references, and allowance of all claims is requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary for consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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